



Town of Harpswell, 263 Mountain Road, Harpswell, ME 04079
CONSERVATION COMMISSION

May 5, 2021

Notice of Decision
WellTree Inc. Pesticide Use Waiver Request

The Harpswell Conservation Commission has considered the multi-site application of WellTree Inc. for pesticide use waivers pursuant to the provisions of the Town of Harpswell Outdoor Pesticide and Fertilizer Use Ordinance, including the supporting data, testimony at the Commission's May 5, 2021 meeting, and related materials contained in the record. The Conservation Commission made the following Findings of Fact and Conclusions of Law for the WellTree Inc. application.

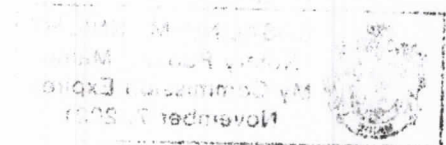
Findings of Fact - Waiver Application #05.21.01

WellTree Inc. applied for renewal waivers to allow the use of **Acephate** by trunk/root flare injection within twenty-five (25) feet of the shoreline at three (3) properties shown below for the control of browntail and winter moths.

- 126 Skassen Lane
- 79 Skassen Lane
- 931 Cundy's Harbor Road

The Commission reviewed the multi-site application and found that the requested waivers meet the following criteria for the granting of a pesticide use waiver:

1. That there is an immediate threat to human health or an immediate threat of substantial property damage or loss unless the waivers are granted,
2. That control methods allowed by the ordinance are not adequate to address the threat within twenty-five (25) feet of a water body,
3. That the use of stem injection for controlling the pest for which the waiver is requested presents the least risk to the marine environment and/or pollinators, and
4. The licensed applicator will undertake measures to limit the potential adverse impacts on the marine environment.
5. The licensed applicator has performed satisfactorily for prior waivers, the location of treatment and the pesticide and method of application will be the same as the initial waiver, and the need for the continuing waiver is the result of the same ongoing infestation or problem.





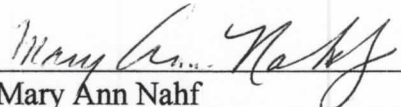
Town of Harpswell, 263 Mountain Road, Harpswell, ME 04079
CONSERVATION COMMISSION

Conclusion of Law - Waiver Application #05.21.01

In light of these findings of fact, with consideration given to the supporting documentation in the record, the Conservation Commission voted 6/0 to find that the applicant, WellTree Inc. has met the standards for the granting of waivers of the Town of Harpswell Outdoor Pesticide and Fertilizer Use Ordinance.

The Conservation Commission approved the waiver application with the following conditions of approval:

1. The waiver shall be effective as of May 5, 2021 for a period of three (3) years
2. This approval is based on the submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.

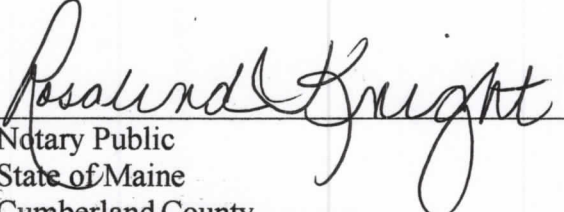


Mary Ann Nahf
Chair, Harpswell Conservation Commission
Town of Harpswell, Cumberland County, State of Maine

5/6/2021

Date

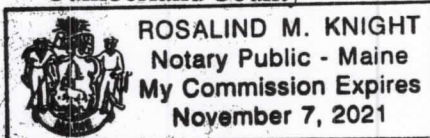
Then personally appeared the above named Mary Ann Nahf and acknowledged
the above document to be her free act and deed in her capacity as
Chair of the Harpswell Conservation Commission.



Rosalind M. Knight
Notary Public
State of Maine
Cumberland County

5-6-21

Date





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CONSERVATION COMMISSION

May 5, 2021

Notice of Decision
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The Harpswell Conservation Commission has considered the multi-site application of WellTree Inc. for pesticide use waivers pursuant to the provisions of the Town of Harpswell Outdoor Pesticide and Fertilizer Use Ordinance, including the supporting data, testimony at the Commission's May 5, 2021 meeting, and related materials contained in the record. The Conservation Commission made the following Findings of Fact and Conclusions of Law for the WellTree Inc. application.

Findings of Fact - Waiver Application #05.21.02

WellTree Inc. applied for renewal waivers to allow the use of **Acephate** by trunk/root flare injection within twenty-five (25) feet of the shoreline at four (4) properties shown below for the control of browntail and winter moths

- 101 Tryone Road
- 75 Cunner Rock Road
- 297 Oak Ledge Road
- 139 High Head Road

The Commission reviewed the multi-site application and found that the requested waivers meet the following criteria for the granting of a pesticide use waiver:

1. That there is an immediate threat to human health or an immediate threat of substantial property damage or loss unless the waivers are granted,
2. That control methods allowed by the ordinance are not adequate to address the threat within twenty-five (25) feet of a water body,
3. That the use of stem injection for controlling the pest for which the waiver is requested presents the least risk to the marine environment and/or pollinators, and
4. The licensed applicator will undertake measures to limit the potential adverse impacts on the marine environment.

Conclusion of Law - Waiver Application #05.21.02

In light of these findings of fact, with consideration given to the supporting documentation in the record, the Conservation Commission voted 6/0 to find that the applicant, WellTree Inc. has met the standards for the granting of waivers of the Town of Harpswell Outdoor Pesticide and Fertilizer Use Ordinance.

The Conservation Commission approved the waiver application with the following conditions of approval:

1. The waiver shall be effective as of May 5, 2021 for a period of thirty (30) days.
2. This approval is based on the submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.

Mary Ann Nahf

Mary Ann Nahf
Chair, Harpswell Conservation Commission
Town of Harpswell, Cumberland County, State of Maine

5/6/2021

Date

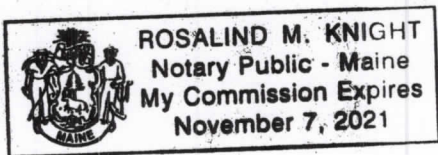
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Notice of Decision
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Findings of Fact - Waiver Application #05.21.03

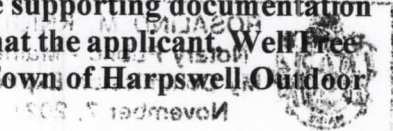
WellTree Inc. applied for a waiver to allow the use of **Acephate** by trunk/root flare injection within twenty-five (25) feet of the shoreline at: 73 Menikoe Haven for the control of browntail and winter moths

The Commission reviewed the application and found that the requested waivers meet the following criteria for the granting of a pesticide use waiver:

1. That there is an immediate threat to human health or an immediate threat of substantial property damage or loss unless the waiver is granted,
2. That control methods allowed by the ordinance are not adequate to address the threat within twenty-five (25) feet of a water body,
3. That the use of stem injection for controlling the pest for which the waiver is requested presents the least risk to the marine environment and/or pollinators, and
4. The licensed applicator will undertake measures to limit the potential adverse impacts on the marine environment.

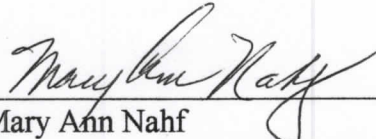
Conclusion of Law - Waiver Application #05.21.03

In light of these findings of fact, with consideration given to the supporting documentation in the record, the Conservation Commission voted 6/0 to find that the applicant, WellTree Inc. has met the standards for the granting of a waiver of the Town of Harpswell Outdoor Pesticide and Fertilizer Use Ordinance.



The Conservation Commission approved the waiver application with the following conditions of approval:

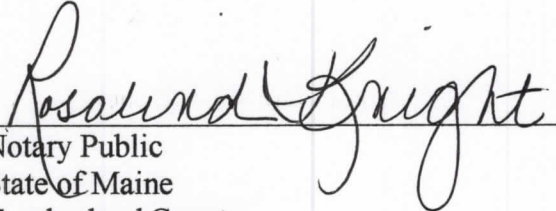
1. The waiver shall be effective as of May 5, 2021 for a period of thirty (30) days.
2. This approval is based on the submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.



Mary Ann Nahf
Chair, Harpswell Conservation Commission
Town of Harpswell, Cumberland County, State of Maine

5/6/2021
Date

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